S.B. CIVIL WRIT PETITION NO.1411/2005
VISHNU CINEMA FIRM
VS
ADJ, RAI SINGHNAGAR & ORS

DATE OF ORDER: 14.3.2005

HON'BLE MR. PRAKASH TATIA, J.

Mr.N.L.Joshi, the petitioner.

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Heard learned counsel for the petitioner.

The petitioner has challenged the order of the two courts below dated 10th Oct., 2003 and 9th Feb., 2005 by which the trial court dismissed the petitioner's application filed under Order 39 Rule 1 and 2 CPC and the appellate court dismissed the appeal against the said order.

According to learned counsel for the petitioner, the interim order was passed by the trial court in the year 1997 and it was vacated in the year 2003 after hearing both the parties and against this order, the appeal was dismissed by the appellate court on 9.2.2005. According to learned counsel for the petitioner, in view of the fact that the stay order was in force since 1997, it should not have been vacated by the trial court in the year 2003.

According to learned counsel for the petitioner, the petitioner has every right to display the pictures by obtaining from other source and the respondents have no right to obstruct in it.

I considered the submissions of learned counsel for the petitioner. Merely because the stay oder continued for a long time, no right accrues to the parties in whose favour the stay order was there and the other party has right to obtain the lawful order from the court. The interim order was passed ex-parte and if continued, it may be continued because of very many reasons and the time taken in the court proceedings cannot be a ground against the defendant. The two courts have decided all the points against the petitioner, therefore, I do not find any reason to interfere in the impugned order under supervisory jurisdiction under Article 227 of the Constitution of India looking to the facts of the case.

Therefore, I find no merit in this writ petition and the same is hereby dismissed. However, the trial court may decide the suit expeditiously.

(PRAKASH TATIA), J.

c.p.goyal/-